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UNITED STATES MAGISTRATE COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR ⁴⁻ 12-70449-MAG
)	
Plaintiff,)	[PROPOSED] ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM JULY 13, 2012 TO AUGUST 8,
)	2012 AND EXCLUDING TIME FROM
VICTOR HUGO SANCHEZ, MILTON)	THE SPEEDY TRIAL ACT
GAMEZ FIERRO, JAMEX EUGENIO)	CALCULATION (18 U.S.C. §
CORONEL, PAMELA LUNA,)	3161(h)(8)(A)) AND WAIVING TIME
ALEJANDRO PARRA-SOLORIA, JAIME)	LIMITS UNDER RULE 5.1
BARRERA OREGEL)	
Defendants.)	

On June 5, 2012, Magistrate Judge Kandis Westmore set a date of ~~August 8~~^{July 13}, 2012 for preliminary hearing or arraignment for defendants PARRA-SOLORIA, FIERRO, LUNA, and OREGEL. Throughout June of 2012, the government has made available to the defendants the electronic discovery (comprised of approximately 40 CDs containing audio and video recordings). As of today's date, the defendants have just recently obtained, and are in the process of translating the electronic discovery in this case. Defense counsel will need additional time to review the electronic discovery with their respective clients in order to make a fully informed decision about whether to agree to a pre-Indictment resolution or to proceed with their defenses.

1 After discussions between the government and counsel for the defendants, FIERRO, LUNA,
2 OREGEL and PARRA-SOLORIA now believe it is in their best interests to postpone the
3 preliminary hearing date to August 8, 2012 in order to afford them additional time to review the
4 discovery materials in this case. With the agreement of FIERRO, LUNA, OREGEL and
5 PARRA-SOLORIA and the government, and with the consent of FIERRO, LUNA, OREGEL
6 and PARRA-SOLORIA, the Court enters this order scheduling an arraignment or preliminary
7 hearing date of August 8, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting
8 the waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the
9 exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from July 13, 2012 to August
10 8, 2012 as to defendants FIERRO, LUNA, OREGEL and PARRA-SOLORIA. The parties agree,
11 and the Court finds and holds, as follows:

12 1. FIERRO, LUNA, OREGEL and PARRA-SOLORIA agree to an exclusion of time
13 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary
14 for effective preparation, taking into account the exercise of due diligence.

15 2. FIERRO, LUNA, OREGEL and PARRA-SOLORIA waive the time limits of Federal
16 Rule of Criminal Procedure 5.1 for preliminary hearing.

17 4. Counsel for FIERRO, LUNA, OREGEL and PARRA-SOLORIA believe that
18 postponing the preliminary hearing is in their clients' best interests, and that it is not in their
19 clients' interest for the United States to indict the case during the normal timeline established in
20 Rule 5.1.

21 5. The Court finds that, taking into the account the public interest in the prompt
22 disposition of criminal cases, these grounds are good cause for extending the time limits for a
23 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
24 the Court finds that the ends of justice served by excluding the period from July 13, 2012 to
25 August 8, 2012 as to defendants FIERRO, LUNA, OREGEL and PARRA, outweigh the best
26 interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

27 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
28 hearing date before the duty magistrate judge on August 8, 2012 at 9:30 a.m., and (2) orders that
the period from July 13, 2012 to August 8, 2012 as to defendants FIERRO, LUNA, OREGEL

1 and PARRA, be excluded from the time period for preliminary hearings under Federal Rule of
2 Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A)
3 & (B)(iv).

4
5 IT IS SO STIPULATED:

6 DATED: July 12, 2012

7 /s/
CHRISTOPHER CANNON
Attorney for Defendant ALEJANDRO PARRA-SOLORIA

8
9 DATED: July 12, 2012

10 /s/
BRIAN BERSON
Attorney for Defendant PAMELA LUNA

11
12 DATED: July 12, 2012

13 /s/
DAVID ANDERSEN
Attorney for Defendant MILTON GAMEZ FIERRO,

14
15 DATED: July 12, 2012

16 /s/
RANDY S. LUSKEY
Assistant United States Attorney

17
18 IT IS SO ORDERED.

19 DATED: July 12, 2012

